

Local Law No. 2 of the Year 1985 for the Town of Marilla, New York.

The purpose of the local law:

To regulate and restrict activities of dogs and their owners and harborers.

### **Section 1.1 Title**

This article shall be known as and may be cited as “The Dog Control Law of the Town of Marilla”

### **Section 1.2 Enforcement**

Any peace officer or designated representative of the Department of Agriculture and Markets, including the Town Dog Control Officer, may enforce the provisions of this article.

### **Section 1.3 Interference with Officials in Performance of Duties**

No person shall hinder, resist or oppose any peace officer or representative of the Department of Agriculture and Markets or any official of the Town in the performance of his duties under this article.

#### **Section 1.3.1 Owner or Harboring**

Where the word “owner” is used in this Ordinance, it shall mean the person who is recorded in the Town Clerk’s Office as the applicant for the license for a dog, if such animal be licensed, or the person who provides sustenance and shelter for such animal.

Where the word “harboring” is used in this Ordinance, it shall mean the person who provides sustenance and shelter for any dog, whether or not such person be the owner.

Where the owner or harboring of a dog shall be a person under the age of sixteen (16) years, then the head of the household in which such person resides shall be deemed to have custody and control of said dog, and shall be responsible for any acts by said dog in violation of this Ordinance.

### **Section 1.4 Investigation and Report of Dangerous Dogs**

Any peace officer or designated representative of the Department of Agriculture and Markets may investigate and report to a Town Justice any dangerous dog as described in Section 116 of the Agriculture and Markets Law and see that the order or orders of the Town Justice in such case are carried out.

### **Section 1.5 Reports of Dog Damaging, Destroying Property**

Any person who observes a dog causing damage or destruction to property of a person other than its owner, committing a nuisance upon the premises of a person other than its owner or otherwise violating any of the provisions of this article may file a signed complaint, duly verified, with a Town Justice or Dog Control Officer, specifying:

- a. The objectionable conduct of the dog and the date thereof;
- b. The damage, (if any) caused;
- c. A description of the dog; and

- d. The name and address (if known) of the owner or person harboring said dog.

Any such complaint received by the Dog Control Officer shall be promptly filed by him with a Town Justice.

#### **Section 1.6 Summons to Appear Before Town Justice**

Upon receipt by the Town Justice of any complaint against the conduct of any particular dog, the Town Justice may summon the alleged owner or other person harboring said dog to appear in person before him.

#### **Section 1.7 Effect of Disregarding Summons**

If the summons provided for in Section 1.6 is disregarded by the person receiving it, the Town Justice may permit the filing of an information and issue a warrant for the arrest of such person.

#### **Section 1.8 Dogs Prohibited in Parks, etc. Unless Leashed**

It shall be unlawful for any owner of or any person harboring any dog in the Town to permit or allow such dog to run at large in any park, playground, recreational area or school property, unless such dog be effectively restrained by a leash not exceeding six (6) feet in length and accompanied by its owner or responsible person able to control the animal.

#### **Section 1.9 Dogs Damaging, Destroying Property Generally**

No owner or harbinger of a dog shall permit or allow such dog to cause damage or destruction to property or to urinate or defecate or to commit any other nuisance upon the premises of a person other than his own.

#### **Section 1.10 Dogs Chasing, Harassing Persons**

No owner or harbinger of a dog shall allow or permit such dog while off the premises of its owner or harbinger to chase or otherwise harass any person in such a manner as reasonably to cause intimidation or put such person in reasonable apprehension of bodily harm or injury.

#### **Sections 1.11 Dogs Howling, Barking, Habitually Annoying Persons**

No owner or harbinger of a dog shall permit or allow such dog to engage in habitual loud howling or barking or to conduct itself in such manner so as to habitually annoy any person other than its owner or harbinger.

#### **Section 1.12 Dogs Chasing, Barking at Motor Vehicles**

No owner or harbinger of a dog shall allow such dog to habitually chase or bark at motor vehicles or bicycles.

#### **Section 1.13 Running at Large of Female Dogs in Heat Prohibited**

No owner or harbinger of a female dog in heat shall allow or permit such female dog to run at large while in heat.

### **Section 1.13.1 Dogs Running at Large**

Irrespective of any other provision of this Ordinance, it shall be unlawful for the owner or harbinger, as defined herein, of a dog, to permit or allow or cause such dog to run or be at large, off premises of such owner or harbinger, unless said dog be effectively restrained by a leash not exceeding six (6) feet in length and accompanied by its owner or a responsible person able to control said dog.

### **Section 1.14 Rabies Control**

Any person owning or harboring a dog and who shall permit such dog to be at large in violation of the provisions of Article 21, Title IV of the Public Health Law, is guilty of a violation and shall be subject to a fine not to exceed twenty-five dollars (\$25.00) for the first offense and for each subsequent offense a fine of not less than twenty-five dollars (\$25.00) or more than fifty dollars (\$50.00) or by imprisonment in the county jail not to exceed twenty-five (25) days or by both such fine and imprisonment.

### **Section 1.15 – Leashing of Dogs, When Required**

In the event any person has been found guilty of a violation of this Ordinance as the result of the actions or conduct of a dog of which such person is the owner or harbinger, then thereafter it shall be unlawful for such owner or harbinger to permit or allow such dog to run at large, off the premises of such owner or harbinger, unless said dog be effectively restrained by a leash not exceeding six (6) feet in length and accompanied by its owner or a responsible person able to control said dog.

### **Section 1.15.1 – Leashing Pending Outcome of Complaint**

In the event a verified complaint has been filed, as prescribed in Section 1.5, against the owner or harbinger of a dog, alleging a violation of Section 1.9, or Section 1.10, of Section 1.12, said dog shall, during the pendency of the proceedings resulting from said complaint, not be allowed to run at large, off the premises of such owner or harbinger, unless said dog be effectively restrained by a leash not exceeding six (6) feet in length and accompanied by its owner or a responsible person able to control said dog.

### **Section 1.15.2 – Exceptions**

- (a) A hunting dog in company with a duly licensed hunter who is able to and does control the animal shall be excluded from the leashing requirement provided the hunting does not take place on any property which is a public park or which is school property.
- (b) A guide dog actually leading a blind person;
- © A police work dog in use for police work; and
- (c) A hearing dog actually used to aid a deaf person.

### **Section 1.16 – Violations and Penalties**

In addition to the provisions of Part II of this article relating to the seizures, impounding and disposal of dogs found to be in violation of Section 1.15 of this article, and unless otherwise provided, the owner or harbinger of a dog violating any of the provisions of this article shall, upon conviction therefore, be found guilty of an offense against this article and be subject to a fine of not exceeding fifty dollars (\$50.00) for each offense.

## **PART II – SEIZURE, IMPOUNDING, DISPOSAL**

### **Section 1.30 – Seizure of Unleashed Dogs at Large**

Any dog found running at large contrary to the provisions of Section 1.15 of this article within the limits of the Town of Marilla, whether or not tagged or licensed shall be subject to seizure by any peace officer or any designated representative of the Commissioner of Agriculture and Markets, such as the Town Dog Control Officer, pursuant to the provisions of Section 114-a of the Agriculture and Markets Law of the State.

### **Section 1.31 – Care of Seized Dogs**

Every dog seized pursuant to Section 1.30 shall be properly fed and cared for at the expense of the town until disposition of such dog is made as provided by Section 114-a of the Agriculture and Markets law and as provided by this Part II.

### **Section 1.32 – Notice of Seized Dog**

If a dog seized pursuant to Section 1.30 bears a license tag, the officer or representative of the Commissioner of Agriculture and Markets shall ascertain the owner of the dog and shall give immediate notice by personally serving such owner or an adult member of his family with notice in writing, stating that the dog has been seized and will be destroyed unless redeemed within the period covered by Section 114-a of the Agriculture and Markets Law and as provide by this Part II.

### **Section 1.33 – Redemption of Seized Dog**

Any dog found to be in violation of any laws of the State of New York or to be at large pursuant to this Local Law and seized by a Dog Control Officer shall be held for the redemption period and may be redeemed by the owner within the time and in the manner prescribed in Article 7 of the Agriculture and Markets Law of the State of New York provided that the owner pays the following impoundment fees:

- (a) Twenty-five dollars (\$25.00) for the first impoundment of any dog owned by that person;

- (b) Thirty-five dollars (\$35.00) for the first twenty-four (24) hours or part thereof and Three Dollars (\$3.00) for each additional twenty-four (24) hours or part thereof for the second impoundment within one (1) years of that first impoundment of any dog owned by that person;
- © Fifty Dollars (\$50.00) for the first twenty-four (24) hours or part thereof and Three Dollars (\$3.00) for each additional twenty-four (24) hours or part thereof for the third and subsequent impoundments of any dog owned by that person.

#### **Section 1.34 – Disposition of Unredeemed Dog**

If a dog seized under the provisions of this Part II is not redeemed within the time provided in Section 1.33, the owner shall forfeit all title to such dog and the dog shall be destroyed by the peace officer or representative of the Commissioner of Agriculture and Markets.

#### **Section 1.35 – Disposition of Carcass of Destroyed Dog; Report and Record of Destruction and Disposition**

Any peace officer or representative of the Commissioner of Agriculture and Markets destroying a dog under the provisions of Section 1.34 and Section 114-a of the Agriculture and Markets Law shall immediately dispose of the carcass and make a written report of such destruction and disposition to the Town Clerk. The Town Clerk shall make and preserve a record of such destruction and disposition.

#### **Section 1.36 – Action to Recover Possession of, Compensation for, etc. Dog Prohibited**

No action shall be maintained to recover possession of or value of a dog or for damages for injury or for compensation for the destruction of a dog destroyed or otherwise disposed of pursuant to the provisions of this Part II or Section 114-a of the Agriculture and Markets Law.

#### **Section 1.37 – Effective Date, Separability**

This Local Law shall take effect immediately upon adoption, publications and posting or personal service of a certified copy thereof as provided by law. In the event any part or portion hereof is declared void by proper court of law, such part shall be severed herefrom and the remainder hereof shall remain in full force and effect.